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MM12/0114  
LACKENBACH SIEGEL MARZULLO  
ARONSON & GREENSPAN  
ONE CHASE ROAD  
PENTHOUSE SUTE  
SCARSDALE NY 10583

EXAMINER

LUU, T

ART UNIT

PAPER NUMBER

2878

DATE MAILED  
OCT 19/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

09/111,578

Applicant(s)

MAEDA, OSAMU

Examiner

Thanh X Luu

Art Unit

2878

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 8-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 8-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some \* c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☒ received.
2. ☐ received in Application No. (Series Code / Serial Number) \_\_\_\_.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

## Attachment(s)

- 14) ☒ Notice of References Cited (PTO-892)
- 15) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 16) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 17) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 18) ☐ Notice of Informal Patent Application (PTO-152)
- 19) ☐ Other: \_\_\_\_\_.

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## DETAILED ACTION

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: In Figure 2, as mentioned on page 2 and 3, the reference number 51b could not be found. Correction is required.

### *Specification*

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 250 words. It is important that the abstract not exceed 250 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The disclosure is objected to because of the following informalities:

On page 4, line 3, the word "wiring" is misspelled.

Appropriate correction is required.

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4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1, 2 and 8-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, in line 3, a light emitting element cannot conduct detection by itself. A light emitting element emits light and along with a detector, can conduct detection. On line 4, "within a cassette set" does not makes sense. On lines 7-8, the phrase "guiding the light onto the side of the reel for rotation and detection of the reel" does not make sense. On line 13, "the deck chassis" lacks proper antecedent basis. On line 14, Examiner is unsure if "the reel of the video cassette deck" is another different reel or the same reel as previously referred to. On line 17, Examiner is unsure if "the reel on the deck chassis" is a different reel or the same reel as first mentioned.

Regarding claim 2, line 3, what does "the above" referenced to?

Regarding claims 8 and 9, on line 4, the phrase "a branch portion.. from the pillar portion to illuminate the light to the light receiving element.." does not make sense. The branch portion guides a light to the light receiving element.

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Regarding claims 10 and 11, line 3, "the disk portion" and "the branch portion" lacks proper antecedent basis. Furthermore, the phrase "the branch portion is opposite from above to the light passing portion.." does not make sense.

Regarding claims 12 and 13, "the disk portion" lacks proper antecedent basis. Also, the phrase "the branch portion is opposite from above to the light passing portion.." does not make sense.

Regarding claims 14-17, "the substrate" lacks proper antecedent basis.

Regarding claims 18-21, the phrase "element for tape detection use for receiving light guided.." does not make sense. Furthermore, the phrase "a reflection plate for reflecting the light downwards from above the deck chassis is provided above the deck chassis" is redundant. Also, on line 2, "the light receiving element" seem to refer to additional detectors and not the same detectors for receiving light from the reel. So, "the light receiving element" lacks proper antecedent basis.

Regarding claims 22-25, "the substrate" lacks proper antecedent basis. Also, "are engaged with on the substrate" does not make sense. And, "the light receiving element" is used twice to refer to different elements.

### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

8. Claims 1, 2, 14, 15, 18, 19, 22 and 23 are rejected under 35 U.S.C. 102(a) as being anticipated by Applicant's admitted prior art (Figures 2-5).

Regarding claim 1, Applicant's admitted prior art (Figures 4 and 5) discloses a light emitting element (41) and light receiving element (42a, 42b) for detecting the leading or entraining end of a magnetic tape within a cassette, a light guiding member (43a) for guiding the light from the light emitting element into the cassette for conducting leading and entraining end detection, and for directly guiding (43b) the light onto the side of a reel (53), a light receiving element (51) for receiving light guided onto the side of the reel, a light guiding portion or screening portion (53a) provided on the reel; the light emitting and receiving elements are provided under the deck chassis (20); and the light guiding member guides the light from the light emitting element to the light receiving element under the deck chassis by way of the light passing or screening portion.

Regarding claim 2, the apparatus of the Applicant's admitted prior art (Figure 4) inherently includes an opening in the deck chassis (20) for light from reflectors (44a, 44b) to be transmitted to light receiving elements (42a, 42b), otherwise the leading and entraining end could not be detected.

Regarding claims 14 and 15, the apparatus of the Applicant's admitted prior art (Figure 5) discloses the light emitting and receiving element being provided on a substrate under the deck chassis.

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Regarding claims 18 and 19, the apparatus of the Applicant's admitted prior art (Figure 4) discloses the light receiving element (42a, 42b) provided under the deck chassis and a reflection plate (44a, 44b) for reflecting the light downwards from above the deck chassis.

Regarding claims 22 and 23, the apparatus of the Applicant's admitted prior art (Figure 4) discloses all the emitting and receiving elements disposed on a substrate under the deck chassis.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 8, 9, 10-13, 16, 17, 20, 21, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art (Figure 5).

Regarding claims 8 and 9, Applicant's admitted prior art discloses (see Figure 5) a light guiding member having a pillar (43a) extending through the deck chassis (20) and a branch portion (43b) extending sideways from the pillar portion to illuminate guide the light to the light receiving element (51). Applicant's admitted prior art does not disclose the branch portion positioned above the deck chassis. However, the position at which the branch portion is disposed is independent of the operation of the apparatus

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and is a matter of design choice. Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to position the branch portion above the deck chassis in the apparatus of Applicant's admitted prior art.

Regarding claims 10-13, the Applicant's admitted prior art does not disclose the disk portion of the reel having a light passing or screening portion. However, it is well known in the art to detect disk movement through a light passing or screening portion of a disk. Furthermore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to adjust the apparatus of the Applicant's admitted prior art to adapt to a reel having a disk with a light passing or screening portion since such a change would require only ordinary skill in the art.

Regarding claims 16 and 17, the apparatus of the Applicant's admitted prior art (Figure 5) discloses the light emitting and receiving element being provided on a substrate under the deck chassis.

Regarding claims 20 and 21, the apparatus of the Applicant's admitted prior art (Figure 4) discloses the light receiving element (42a, 42b) provided under the deck chassis and a reflection plate (44a, 44b) for reflecting the light downwards from above the deck chassis.

Regarding claims 24 and 25, the apparatus of the Applicant's admitted prior art (Figure 4) discloses all the emitting and receiving elements disposed on a substrate under the deck chassis.



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***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh X. Luu whose telephone number is (703) 305-0539. The examiner can normally be reached on Monday-Friday from 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Westin, can be reached on (703) 308-4823. The fax phone number for the organization where the application or proceeding is assigned is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

txl

Jan-00



**Que T. Le**  
**Primary Examiner**